



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

**Board of Osteopathic Medicine and Surgery
Meeting Minutes**

June 3, 2022
9:00 a.m.

On June 3, 2022 the Board of Osteopathic Medicine and Surgery held a webinar meeting.

MEMBERS PRESENT

Roger Ludwig, DO, Chair
Alex Sobel, DO, Vice Chair
Lisa Galbraith, DO
Sharon Gundersen, PHD, Public Member
Tania Hernandez, DO
Shannon Phipps, DO
Kevin Ware, DO
Yuri Tsurulnikov, DO
Trice Konschuh, Public Member
Joel Quiroz, DO

STAFF PRESENT

Becky McElhiney, Program Manager
Trina Crawford, Acting Executive Director
Megan Maxey, Interim Executive Director
Davis Hylkema, Assistant Program Manager
Joan Simmons, Administrative Assistant
Heather Carter, Assistant Attorney General
Heather Cantrell, Policy Analyst
Ashley Maxwell, Supervising Staff Attorney
Dan Frank, DOH
Pam Bright, DOH

GUESTS:

Amber Freeberg
Claire Pei
Kim Wadsworth
KING TV
Mariel Scheinberg
Melissa Johnson
Taylor Mirfendereski

1. Call to Order/Introductions

Roger Ludwig, Chair, called the open public meeting to order at 9:00 a.m.

1.1 Open Public Meetings Act (OPMA)

1.1.1 Heather Carter, Assistant Attorney General, gave an update on the Open Public Meetings Act. Ms. Carter shared with the board the state of emergency is currently in place with the state and federal governments therefore, the board needs to make a determination if they are able to meet in person with reasonable safety of the governing body with members or

public attendees starting with today's meeting. She also informed the board effective June 9, 2022 a public comment section will need to be held prior to any action taken by the board.

MOTION: A motion was made to continue with the June 3, 2022 meeting as the Board has made the determination it is not able to meet in person with reasonable safety to meet in a physical location due to the current state of emergency. Determinations regarding meeting in person or virtually for future meeting dates will be made during a special meeting in July for September's meeting date. The motion was seconded and passed.

1.2 Introductions of the board, staff, guests, and audience.

1.3 The board approved the June 3, 2022 agenda as presented.

MOTION: A motion was made to approve the June 3, 2022 agenda. The motion was seconded and passed.

1.4 The board approved the March 28, 2022 business meeting minutes as presented.

MOTION: A motion was made to approve the March 28, 2022 minutes. The motion was seconded and passed.

2. **Dental Anesthesia Rules Hearing – DISCUSSION/ACTION**

The board considered public comment and the adoption of proposed rule WAC 246-853-655 (new), Administration of deep sedation and general anesthesia by osteopathic physicians in dental offices filed as WSR 22-09-061 on April 19, 2022.

No written comments were received.

No public comments were received.

MOTION: A motion was made to adopt WAC 246-853-655, Administration of deep sedation and general anesthesia by osteopathic physicians in dental offices. The motion was seconded and passed.

3. **Open Forum—DISCUSSION**

The purpose of the open forum is to provide the public an opportunity to address the board on issues of significance to or affecting osteopathic medical practice and that are not related to topics for which a rules hearing was or will be scheduled.

No public comments were received.

4. **Elections—DISCUSSION/ACTION**

The board held elections for officer positions for the next year.

Drs. Ludwig and Ware nominated Dr. Sobel for the Chairperson position.

Dr. Ludwig nominated Dr. Phipps for the Vice Chairperson position.

MOTION: A motion was made to elect Dr. Alex Sobel to the position of Chairperson. The motion was seconded and passed.

MOTION: A motion was made to elect Dr. Shannon Phipps to the position of vice chairperson. The motion was seconded and passed.

5. WAC 246-854 and WAC 246-855—DISCUSSION/ACTION

The board voted whether to file the CR103 to finalize the repeal of 246-854 WAC Osteopathic physicians' assistants rules and 246-855 WAC Osteopathic physicians' acupuncture assistants rules.

MOTION: A motion was made to file the CR103 to finalize the repeal of 246-854 WAC Osteopathic physicians' assistants rules and 246-855 WAC Osteopathic physicians' acupuncture assistants rules. The motion was seconded and passed.

6. Substitute Senate Bill 5496—DISCUSSION/ACTION

The board voted whether to file the CR105 to open rule sections referencing substance use disorders in response to SSB 5496.

Ms. McElhiney provided an overview of SSB 5496 to the board regarding health professional monitoring programs that was passed during the 2022 legislative session. She pointed out an error on the published agenda which states the board will vote whether to file a CR101 to open the rules, and it actually is a CR105 since the rulemaking is based on legislative action and thus qualifies for the expedited rulemaking process.

MOTION: A motion was made to file the CR105 to open rule sections referencing substance use disorders in response to SSB 5496. The motion was seconded and passed.

7. Federation of State Medical Boards Annual Conference—DISCUSSION

Drs. Ludwig and Ms. Bell reported to the board on the Federation of State Medical Boards Annual Conference, held April 28-30, 2022 in New Orleans, LA.

Dr. Ludwig would like to get a copy of the best practices that were voted on at the FSMB annual conference and recommended for others to review the information.

Ms. Bell shared her two take aways 1. Presentation on sexual misconduct. 2. Reaching out to medical schools and presentations to students.

8. 2023 Meeting Dates—DISCUSSION/ACTION

The board was presented with proposed dates to set their 2023 business meeting dates.

Proposed 2023 meeting dates are scheduled on Fridays with the following dates:

- January 27
- March 24 – change to March 27 and location will be in Yakima if available.

- June 2
- September 15
- October 27
- December 1

MOTION: A motion was made to approve the 2023 meeting dates with the exception to change the March 24th date to March 27th. The motion was seconded passed.

9. Correspondence—DISCUSSION/ACTION

The board reviewed and discussed lists and labels requests received since the last meeting.

9.1 Lists and labels request from Agility COHE SPC

MOTION: A motion was made to deny lists and labels from Agility COHE SPC. The motion was seconded passed.

9.2 Lists and labels request from Skagit County Public Health

MOTION: A motion was made to approve lists and labels from Skagit County Public Health. The motion was seconded passed.

10. Program Reports—Trina Crawford, Acting Executive Director; Becky McElhiney, Program Manager; Heather Carter, AAG Adviser

10.1 Rules update

10.1.1 WAC 246-853-650 office-based anesthesia

Ms. McElhiney shared with the board that due to the approval today for the adoption of the dental anesthesia rules, a rules hearing for the office-based anesthesia rules can be set for the September 16, 2022 meeting.

10.2 Staffing update

Ms. McElhiney shared with the board that Ms. Fullerton has moved on from her role as Executive director as of May 31, 2022 and Ms. Maxey has accepted to be acting executive director while the Department works to fill the position.

10.3 Recruitment

Ms. McElhiney shared recruitment notices have been sent out for three professional positions and one public member position. She shared two professional applications have been received and asked the board to encourage those who would be a good fit to apply.

10.4 July 22, 2022 business meeting

Dr. Ludwig mentioned this meeting will be used to determine whether or not the September 16, 2022 board meeting will be held in person or virtually.

10.5 Letter from the Attorney General

Ms. Crawford shared with the board a letter was received from Attorney General Ferguson on May 16, 2022 requesting addressees to make a statement that Washington welcomes healthcare providers from other states to provide medically appropriate care that may be criminalized where they are currently practicing. The request was received in anticipation of the Supreme Court overturning their holding

in Roe vs. Wade. Ms. Crawford informed the board the ruling has not been finalized and there is anticipation a decision later this month.

DOH Executive Directors for the programs that received the letter have met and discussed drafting a joint Frequently Asked Questions (FAQs) webpage.

11. CONSENT AGENDA

Items listed under the consent agenda (informational items) are considered routine matters and are approved without discussion upon approval of the agenda. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda for discussion.

None.

12. Future Business—DISCUSSION

The board discussed agenda items identified or suggested for future meetings.

- Ms. McElhiney will check with the school in Yakima regarding the availability of the March 27, 2023 meeting date.
- Ms. McElhiney will research into whether or not it is required for a professional board member to be practicing in the state of Washington for 5 years or have practiced in general for 5 years.
- July 22, 2022 meeting will be held to vote on whether or not the September board meeting will be held in person or virtually.

13. Adjournment of public meeting

The public meeting adjourned at 10:22 a.m.

14. Discipline, Settlement Presentations and Licensing

The board attended to licensing and disciplinary matters in closed session.

Respectfully submitted,

Becky McElhiney, Program Manager

NOTE: Please visit the web site for future agendas and minutes - www.doh.wa.gov. Go to licensing and certification and you will find a list of the health care professions, go to osteopathic physicians for agendas and minutes.